

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

EDWARD L. GILMORE,

Plaintiff,

v.

ERIC HOLDER,
in his official capacity as
Attorney General of the United States,

Defendant.

Civil Action No. 1:13-cv-789

**PLAINTIFF EDWARD L. GILMORE'S OBJECTIONS
TO DEFENDANT'S AMENDED TRIAL EXHIBITS**

No.	Date	Description	Bates-Stamp	Plaintiff's Objections
1	10/21/2006	Request for Additional SES Positions	DEA-00001483-1501	H (802), I (106), ID, R (402)
2		BQL, QL, ML, lists (2002-2005)	DEA-00001915-1923	C (403), H (802), M (1002)
3		Administrator Tandy SES Binder Materials Part 1: SES Lists, Executive Summaries & Candidate Application Cover Sheets	DEA-00002554-2775	C (403), H (802), R (402), M (1002)
4		Administrator Tandy SES Binder Materials Part 2: SES Lists & ASAC Experience Lists	DEA-00003127-3151	F, H (802), I (106), ILL, M (1002), R (402),
5	10/18/2007	E-Mail from K. Tandy to M. Leonhart	DEA-00000958-59	F, H (802), P (403), R (402)

No.	Date	Description	Bates-Stamp	Plaintiff's Objections
6	10/18/2007	Email from K. Tandy to M. Leonhart	DEA-00000960-61	C (403), H (802), P (403), R (402)
7	10/18/2007	Email from K. Tandy to M. Leonhart	DEA-00000962-963	C (403), H (802), P (403), R (402)
8	10/18/2007	SES Cable	Def.'s Mot. to Dismiss, Exhibit H	F, H (802), P (403), R (402)
9	2/24/2004	SES Application Handbook	DEA-ROI-0000324-345	H (802)
10		Lee Lofthus Talking Points	DEA-00000515-516	F, H (802), R (402)
11		Annual Performance Appraisal for period 1/30/2006-12/31/2006	DEA-00000001-16	H (802)
12	8/3/2005	Declaration from M. Leonhart and Transcript of August 3, 2005 Career Board Meeting Audio File Excerpts	Def.'s Mot. for Sum. Judg., Exhibit JJ	A (901), B (1002), H (802), N, P (403), R (402)
13	2/13/2006	Email chain from K. Tandy to M. Leonhart re Security Programs	DEA-00000607	H (802), P (403), R (402)
14	5/24/2006	Email from E. Gilmore to M. Leonhart re Career Status	DEA-00000577	H (802)
15	6/26/2006	Email chain between E. Gilmore and M. Leonhart re Background Investigation	DEA-00000578-79	C (403), F, H (802), R (402)
16	6/26/2006	Email chain between E. Gilmore and M. Leonhart re Background Investigation (contd.)	DEA-00000583-86	C (403), F, H (802), M (1002), R (402)
17	8/18/2006	Email from E. Gilmore to M. Leonhart et al., re Security Clearances for TFOs	DEA-00000589	F, H (802)

No.	Date	Description	Bates-Stamp	Plaintiff's Objections
18	9/26/2006	Email from M. Leonhart to R. Guevara copying Gilmore et al., re Call from DOJ re DEA's progress with E-Quip	DEA-00000572	H (802)
19	1/22/2007	Memorandum re Approval to Change Performance Management Rating Cycle	DEA-00001891-1892	F, H (802), R (402)
20	2/15/2007	Memorandum re Notice of Change in Performance Rating Cycle	DEA-00001877-1878	F, H (802), R (402)
21	2/27/2007	Email from E. Gilmore to M. Leonhart et al., re Responses for the AD (eQIP)	DEA-00000593-94	F, H (802)
22	3/9/2007	Email from E. Gilmore to M. Leonhart et al., re MY DEA cell phone is in-op	DEA-00000595	F, P (403), R (402)
23	5/15/2007	Email from E. Gilmore to J. Kasson re Congrats	DEA-00000637	F, H (802), R (402)
24	6/15/2007	Handwritten notes from M. Leonhart conversation with R. Guevara	DEA-00003120-3122	A (901), F, H (802), ILL, R(402)
25	6/27/2007	Email from J. Kasson to E. Gilmore et al. re TFO status	DEA-00000638	F, H (802), R (402)
26	8/22/2007	Email from J. Dunlap to E. Gilmore et al. re eQIP	DEA-0000507-509	F, H (802), R (402)
27	10/4/2007	Memorandum from C. Kasch re 2007 Employee Performance Appraisals	DEA-00001721-1726	F, H (802), R (402)
28	10/9/2007	Annual Performance Appraisal for period 1/30/2007-9/31/2007	DEA-00000531-550	H (802)
29	10/22/2007	Email from E. Gilmore to J. Kasson re Please indulge me	ELG00000488	F, H (802)

No.	Date	Description	Bates-Stamp	Plaintiff's Objections
30	12/12/2007	Email from J. Kasson to G. Davis regarding TFO backlog	DEA-00000633	F, H (802)
31	2007	DEA Organizational Chart		F, H (802), N, R (402)
32		Administrator Leonhart's Handwritten Notes Regarding ASACs	DEA-000001924-1926	A (901), F, H (802), ILL
33		Administrator Leonhart's Handwritten Notes Regarding Messrs. Gilmore and Biales	DEA-00000551-52	A (901), F, H (802), ILL, R (402)
34		SES Executive Summaries Submitted for Administrator Tandy's consideration	DEA-00002986-3066	C (403), H (802), R (402), M (1002)
35		Administrator Leonhart's SES binder	DEA-00002776-2985	C (403), H (802), R (402), M (1002)
36		Administrator Leonhart's hard copy documents and handwritten notes	DEA-00003067-3122	A (901), C (403), F, H (802), ILL, M (1022), P (403), R (402)
37		Demonstrative Summaries		DEM

OBJECTION KEY FOR EXHIBITS

Code	Objection
408 Settlement.	Plaintiffs object to this exhibit on the ground that it involves discussion of a potential settlement. (Fed. R. Evid. 408)
A (901) Authenticity.	Plaintiffs object to this exhibit on the ground that it is not what it purports to be. (Fed. R. Evid. 901 & 902)
B (1002) Original Document.	Plaintiffs object to this exhibit on the ground that an original writing is required to prove the content thereof. (Fed. R. Evid. 1002)
C (403) Cumulative.	Plaintiffs object to this exhibit because it needlessly presents cumulative evidence. (Fed. R. Evid. 403)
F Lack of Foundation.	Plaintiffs object to this exhibit because the foundation necessary for its admission has not been laid and is not laid in the exhibit itself. (Fed. R. Evid. 104(b))
FRCP 37 Failure to Make Disclosures or to Cooperate in Discovery.	Plaintiffs object to this exhibit because it is encompassed by one or more of Plaintiffs' discovery requests but the document and/or underlying data was not produced during the course of discovery. (Fed. R. Civ. P. 37). Plaintiffs reserve all other objections.
H (802) Hearsay.	Plaintiffs object to this exhibit because it constitutes or contains hearsay. (Fed. R. Evid. 801-802)
I (106) Incomplete.	Plaintiffs object to this exhibit because the exhibit, as submitted, does not contain the complete document. (Fed. R. Evid. 106). Plaintiffs reserve all other objections.
ID Inaccurate Description.	Plaintiffs object to this exhibit because it has an inaccurate description. Plaintiffs reserve all other objections.
ILL Illegible.	Plaintiffs object to this exhibit because it is illegible. Plaintiffs reserve all other objections.
M (1002) Multiple Documents.	Plaintiffs object to this exhibit because it contains more than one document. (Fed. R. Evid. 1002)
N Not Previously Produced or Lacks Production Numbers.	Plaintiffs object to this exhibit because it has not previously been produced or it lacks production numbers. Plaintiffs reserve all other objections.
P (403) Unfair Prejudice.	Plaintiffs object to this exhibit because its probative value is substantially outweighed by the danger of unfair prejudice and/or confusion of the issues. (Fed. R. Evid. 403)
R (402) Relevance.	Plaintiffs object to this exhibit because it is not relevant to any issue to be decided in this case. (Fed. R. Evid. 401 & 402)

Respectfully Submitted,

/s/ Don Bradford Hardin, Jr.
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Dated: June 3, 2014

Counsel for Plaintiff Edward L. Gilmore

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June 2014, I sent copies of the foregoing PLAINTIFF EDWARD L. GILMORE'S OBJECTIONS TO DEFENDANT'S TRIAL EXHIBITS with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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